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May 18, 2010

VIA ECF

The Honorable Magistrate Judge James Orenstein
225 Cadman Plaza East
Room 456 North
Brooklyn, NY 11201

Re: In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation,
Case No. 1:05-MD-1720-(JG)(JO)

Dear Magistrate Judge Orenstein:

We write to provide the Court with supplemental authority in the form of a copy of the proposed, revised version of the Department of Justice's and Federal Trade Commission's Horizontal Merger Guidelines, which were released on April 20, 2010 and are currently in a period of public comment that runs through June 4, 2010. We direct the Court's attention in particular to Section 13 of the proposed Guidelines regarding partial acquisitions, which did not appear in previous editions of the Guidelines. This discussion in Section 13 is relevant to the Defendants' motions to dismiss Class Plaintiffs' Supplemental Complaints regarding the Networks' Restructurings, particularly those sections of the parties' arguments relating to harm to competition and the banks' ability to control the restructured Networks.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.


K. Craig Wildfang

KCW/sml

Attachment

cc: All Counsel of Record via ECF